5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,900	10/10/2001	Bruce W. Stevens	80072	6876

23523 7590 01/25/2007

NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET, CODE 000C
BLDG 112T
NEWPORT, RI 02841

EXAMINER	
ROSWELL, MICHAEL	
ART UNIT	**PAPER NUMBER**
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/977,900
Filing Date: October 10, 2001
Appellant(s): STEVENS, BRUCE W.

James M. Kasischke
Reg. No. 36,562
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 October 2006 appealing from the Office action mailed 31 May 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

I. Claims 21-27, 30-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan et al (US Patent 6,636,888), Mills, David L ("Network Time Protocol [NTP] General Overview"), Liang et al (US Patent 6,766,355), and Suzuki (US Patent 6,470,356).

II. Claims 28, 29, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan et al (US Patent 6,636,888), Mills, David L ("Network Time Protocol

[NTP] General Overview"), Liang et al (US Patent 6,766,355), Suzuki (US Patent 6,470,356), and Hogle (US Patent 5,923,307).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,636,888	Bookspan et al	10-2003
6,766,355	Liang et al	7-2004
6,470,356	Suzuki	10-2002
5,923,307	Hogle	7-1999

Mills, David L. "Network Time Protocol (NTP) General Overview". University of Delaware, August 2, 2004.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-27, 30-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan et al (US Patent 6,636,888), hereinafter Bookspan, Mills, David L ("Network

Time Protocol [NTP] General Overview"), Liang et al (US Patent 6,766,355),hereinafter Liang, and Suzuki (US Patent 6,470,356).

Regarding claim 21, Bookspan teaches the use of Microsoft Outlook to schedule, coordinate, and synchronize presentation broadcasts across a network. Outlook must be installed on every computer on the network in order for a user to receive messages about the presentation (see col. 5, lines 33-41), and controls the presentations by delivering presentation content to audience computers (at col. 22, lines 1-21).

Bookspan fails to explicitly teach installing at least two different sets of files to be played for the coordinated presentation on each of a plurality of computers, the different sets of files being installed on at least two of the plurality of computers.

Liang teaches a system relating to multi-user communication in environments such as collaborative computing, distance learning, and shared virtual worlds, similar to the network presentation environment of Bookspan. Furthermore, Liang teaches installing at least two different sets of files to be played for the coordinated presentation on each of a plurality of computers, the different sets of files being installed on at least two of the plurality of computers, taught as the use of shared and non-shared parts of a multimedia scene, wherein networked clients maintain similar shared parts and differing non-shared parts of any particular multimedia scene to which the networked clients all have access, at col. 6, lines 2-14. Liang further teaches that the files may be streamed from permanent storage on a client device, at col. 7, lines 28-31.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan and Liang before him at the time the invention was made to modify the

presentation coordination system of Bookspan to include the at least two different sets of files to be played of Liang.

One would have been motivated to make such a combination for the advantage of secure data changing and updating in multi-user multimedia, such that only an authorized user may make a change.

Bookspan and Liang, however, fail to explicitly teach at least one scenario file on each of the plurality of computers, the at least one scenario file associating a playing time for a file of the at least one set of files on each of the plurality of computers such that an effective beginning time is associated with each file, the scenario file scheduling playing of different files on different ones of the plurality of computers in a coordinated manner. The examiner notes that Bookspan teaches indication of an effective beginning time associated with a shared presentation, at col. 13, lines 20-28.

Suzuki teaches a multimedia information audiovisual apparatus which enables a user to see and listen to a presentation composed of various types of media, similar to those of Bookspan and Suzuki. Furthermore, Suzuki teaches at least one scenario file on each of the plurality of computers, the at least one scenario file associating a playing time for a file of the at least one set of files on each of the plurality of computers such that an effective beginning time is associated with each file, the scenario file scheduling playing of different files on different ones of the plurality of computers in a coordinated manner, taught as the use of a scenario file for "describing a combination in time and space of the media information for executing a presentation", at col. 2, lines 30-52 and shown in Fig. 2.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan, Liang and Suzuki before him at the time the invention was made to modify the presentation coordination system with differing sets of client-specific files of

Bookspan and Liang to include the scenario files for specifying the playing time of a file in a presentation of Suzuki.

One would have been motivated to make such a combination for the advantage of allowing a user to see and listen to a presentation effectively. See Suzuki, col. 2, lines 26-29.

Bookspan, Liang, and Suzuki fail to explicitly teach synchronizing each computer to a common time.

Mills describes the use of a Network Time Protocol (NTP) for synchronizing the clocks of host computers and routers in the Internet in use since 1992 (see Mills, pages 2 and 9), or over a network such as that used by Bookspan, Liang, and Suzuki.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan, Liang, Suzuki and Mills before him at the time the invention was made to modify the synchronized broadcast system of Bookspan, Liang, and Suzuki to include the common time synchronization of Mills in order to obtain a system for the synchronized broadcast of presentations wherein all computers in the network have a common time.

One would be motivated to make such a combination for the advantages of synchronization for real-time teleconferencing and presentation broadcasting, transaction journaling and logging, network monitoring, and secure time stamping, among other uses. See Mills, page 4.

Thus, the combination of Bookspan, Liang, Suzuki, and Mills is enabled to teach playing each file in each corresponding at least two sets of files for each of the plurality of computers (as taught by Liang) according to the scenario file on that computer (as taught by Suzuki) and the synchronized time as coordinated by the software control program (as taught by Bookspan and Mills) to result in a coordinated presentation of files on each computer of the plurality of computers.

Regarding claims 22-23, Suzuki teaches the at least two sets of files including graphic files and sound files, as Suzuki allows for the reproduction of visual and sound information, at col. 2, lines 41-45.

Regarding claim 24, Suzuki teaches the set of files including executable files, as Suzuki allows for the setting of a time starting the reproduction of a medium through an execution start time, at col. 3, lines 66-67.

Regarding claim 25, Suzuki teaches the scenario file including play duration associated with each file, taught as the reproduction time length of col. 4, lines 5-8.

Regarding claim 26, Suzuki teaches an effective beginning time and play duration time being determined on the basis of a beginning time and an ending time, at col. 7, lines 6-10 at seen in Fig. 8.

Regarding claim 27, the determination of an effective beginning time and play duration time based on previous play duration times is not a feature necessarily controlled by the presentation system of Bookspan, Liang, Suzuki, and Mills. Such a determination may inherently be done by a user creating a presentation for display, and modifying the presentation as they see fit. The creation of a multimedia presentation by a user is an inherent event in the system of Bookspan, Liang, Suzuki, and Mills.

Regarding claim 30, Suzuki teaches selecting one of the provided at least one scenario files when more than one scenario file is provided wherein the step of playing each file comprises playing the file in accordance with the selected scenario file, taught as the relation of a scenario file to a corresponding presentation, which implies the existence of multiple scenario files and presentations, at col. 7, lines 6-10.

Regarding claim 31, Bookspan teaches the use of Microsoft Outlook to schedule, coordinate, and synchronize presentation broadcasts across a network. Outlook must be installed on every computer on the network in order for a user to receive messages about the presentation (see col. 5, lines 33-41), and controls the presentations by delivering presentation content to audience computers (at col. 22, lines 1-21). Such computers typically include a display and a local storage.

Bookspan fails to explicitly teach at least one set of presentation display files having a plurality of files loaded in a local storage of each computer, at least two of the computers having a different plurality of files.

Liang teaches a system relating to multi-user communication in environments such as collaborative computing, distance learning, and shared virtual worlds, similar to the network presentation environment of Bookspan. Furthermore, at least one set of presentation display files having a plurality of files loaded in a local storage of each computer, at least two of the computers having a different plurality of files, taught as the use of shared and non-shared parts of a multimedia scene, wherein networked clients maintain similar shared parts and differing non-shared parts of any particular multimedia scene to which the networked clients all have access, at col. 6, lines 2-14. Liang further teaches that the files may be streamed from permanent storage on a client device, at col. 7, lines 28-31.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan and Liang before him at the time the invention was made to modify the presentation coordination system of Bookspan to include the at least two different sets of files to be played of Liang.

One would have been motivated to make such a combination for the advantage of secure data changing and updating in multi-user multimedia, such that only an authorized user may make a change.

Bookspan and Liang, however, fail to explicitly teach at least two different scenario files with at least one scenario file loaded in the local storage of each computer which comprises timing information for each file of the at least one set of presentation display files, the computers having a different plurality of files having different corresponding scenario files. The examiner notes that Bookspan teaches indication of an effective beginning time associated with a shared presentation, at col. 13, lines 20-28.

Suzuki teaches a multimedia information audiovisual apparatus which enables a user to see and listen to a presentation composed of various types of media, similar to those of Bookspan and Suzuki. Furthermore, Suzuki teaches at least two different scenario files with at least one scenario file loaded in the local storage of each computer which comprises timing information for each file of the at least one set of presentation display files, the computers having a different plurality of files having different corresponding scenario files, taught as the use of a scenario file for "describing a combination in time and space of the media information for executing a presentation", at col. 2, lines 30-52 and shown in Fig. 2, which contain a scenario file for each different presentation, at col. 7, lines 6-10.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan, Liang and Suzuki before him at the time the invention was made to

modify the presentation coordination system with differing sets of client-specific files of Bookspan and Liang to include the scenario files for specifying the playing time of a file in a presentation of Suzuki.

One would have been motivated to make such a combination for the advantage of allowing a user to see and listen to a presentation effectively. See Suzuki, col. 2, lines 26-29.

Bookspan, Liang, and Suzuki fail to explicitly teach a means for timing synchronization joined to each of the plurality of computers for synchronizing the plurality of computers to a common time.

Mills describes the use of a Network Time Protocol (NTP) for synchronizing the clocks of host computers and routers in the Internet in use since 1992 (see Mills, pages 2 and 9), or over a network such as that used by Bookspan, Liang, and Suzuki.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan, Liang, Suzuki and Mills before him at the time the invention was made to modify the synchronized broadcast system of Bookspan, Liang, and Suzuki to include the common time synchronization of Mills in order to obtain a system for the synchronized broadcast of presentations wherein all computers in the network have a common time.

One would be motivated to make such a combination for the advantages of synchronization for real-time teleconferencing and presentation broadcasting, transaction journaling and logging, network monitoring, and secure time stamping, among other uses. See Mills, page 4.

Thus, the combination of Bookspan, Liang, Suzuki, and Mills is enabled to teach a software control program loaded in the local memory of each of the plurality of computers (as taught by Bookspan), the software control program containing instructions for working with the computer to read the scenario file from the local memory (as taught by Suzuki) and interface

with the timing synchronization means to display the file of the set of files on the presentation display in accordance with the timing information in the scenario file and the synchronized common time (as taught by Suzuki and Mills).

Regarding claim 34, the combination of Bookspan, Liang, Suzuki, and Mills is inherently enabled to teach playing a presentation after the steps of installing the software control program, installing at least different sets of files to be played, and providing at least one scenario file, as all of the above steps must be completed prior to playing the presentation.

Claims 28, 29, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan, Mills, Liang, Suzuki, and Hogle (US Patent 5,923,307).

Regarding claim 28, Bookspan, Mills, Liang, and Suzuki been shown *supra* to teach the limitations of claim 21.

However, Bookspan, Mills, Liang, and Suzuki do not explicitly teach at least one of the plurality of computers having at least two display devices associated therewith, and the provided scenario file associated with the at least one computer having at least two display devices associates an effective beginning time for a file of the at least two sets of files with a particular display device.

Hogle teaches configuring monitor screen displays in a multiple monitor environment, and illustrates in Fig. 4 and at col. 1, lines 53-67 the display of application windows specific to a desired monitor, which may be moved to another monitor, if desired. Furthermore, Suzuki teaches at col. 3, lines 58-65 the division of the user interface into a number of separate windows capable of displaying different media as specified by the scenario file. As Hogle

teaches the combining of multiple monitors into one continuous display, any specification of a window used for display in such an environment would inherently specify which monitor to display the media upon.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Bookspan, Mills, Liang, Suzuki, and Hogle before him at the time the invention was made to modify the synchronized presentation display system of Bookspan, Mills, Liang, and Suzuki to include the multiple monitor display of Hogle.

One would be motivated to make such a combination for the advantage of reducing screen clutter or allowing the display of multiple large regions simultaneously. See Hogle, col. 1, lines 42-52.

Regarding claims 29 and 33, Hogle teaches a computer having at least two display devices having a display area associated with each display device (see Fig. 4). While Hogle fails to explicitly teach a raster area associated with each display device which is part of a composite raster area for all display devices, Hogle does teach the use of Cathode Ray Tube (CRT) display devices, which are notoriously well known in the art to support raster displays and composite raster displays. The examiner takes OFFICIAL NOTICE of these teachings. Furthermore, Suzuki teaches a scenario file associating an effective beginning time for a file with a particular display device by setting coordinates within a display area for the coordinated presentation, as can be seen at col. 3, lines 58-65.

Regarding claim 32, Hogle has been shown *supra* to teach a plurality of computers comprising more than one presentation display (Figs. 3 and 4). Suzuki teaches at col. 3, lines 58-65 the division of the user interface into a number of separate windows capable of displaying

different media as specified by the scenario file. As Hogle teaches the combining of multiple monitors into one continuous display, any specification of a window used for display in such an environment would inherently specify which monitor to display the media upon.

(10) Response to Argument

As an initial matter, the examiner would like to draw the Board's attention to the fact that Appellant has not argued the rejection as set forth by the examiner. Rather, Appellant has addressed the references individually and argued that they don't have elements which they were not relied upon to show. In addressing these arguments, the examiner will clarify the grounds of rejection by pointing out such discrepancies

With regard to Appellant's arguments with respect to the Suzuki patent, the examiner respectfully disagrees. Appellant argues on page 4 of the remarks that Suzuki does not show a scenario file capable of "scheduling playing of different files on different ones of said plurality of computers in a coordinated manner", as claimed in Appellant's claim 21. Appellant further argues that Suzuki fails to show "at least two different scenario files with at least one scenario file loaded in the local storage of each computer which comprises timing information for each file of said at least one set of presentation display files, said computers having a different plurality of files having different corresponding scenario files" as claimed in Appellant's claim 31. These limitations are argued similarly on pages 5 and 6; however, Suzuki is not relied upon to teach these limitations.

The examiner has relied upon the Suzuki reference to teach "describing a combination in time and space of the media information for executing a presentation", at col. 2, lines 30-52, and Fig. 2. In short, Suzuki discloses providing a scenario file for any corresponding presentation. As the Bookspan and Liang references have been shown to teach the use of two different sets

of presentation files on different computers, the Suzuki reference is relied upon to teach a scenario file for coordinating these presentation files. Clearly, this "describing a combination in time and space of the media information for executing a presentation" is capable of playing the different files on different ones of a plurality of computers in a coordinated manner, as claimed.

Appellant argues on page 5 that "Appellant's invention teaches at least two different scenario files that are loaded on different computers to provide user [sic] with different coordinated presentation content." First, the examiner notes that only claim 31 requires the use of "at least two different scenario files", as claim 21 simply discloses "providing at least one scenario file". Second, as stated above, Suzuki provides a scenario file for a corresponding presentation. Therefore, if the content between two presentations are different, the scenario files corresponding to those presentations will also be different.

Appellant further argues "the Suzuki files are not coordinated among the networked computers", and that "the content taught by Suzuki is broadcast content, meaning that the same content is distributed to all of the workstations. The examiner notes that coordination among networked computers is not explicitly claimed. Appellant simply claims a scenario file "scheduling playing of different files on different ones of the plurality of computers in a coordinated manner", which the scenario files of Suzuki clearly do. Furthermore, the Mills reference has been disclosed herein to teach the timed coordination between synchronized computers, not the Suzuki reference. The examiner further notes that providing different content to users is taught by the Liang reference, not the Suzuki reference, rendering Appellant's arguments moot.

With respect to Appellant's arguments concerning the Liang patent, the examiner respectfully disagrees. Appellant argues on pages 6 and 7 that "one of ordinary skill in the art could not combine Liang with any of the remaining prior art to give different coordinated displays

on at least two of a plurality of computers because Liang teaches server control of presentation content". The examiner respectfully submits that the source of presentation content is irrelevant to its ability to be coordinated.

Appellant further argues the Liang fails to teach the step of "installing at least two sets of files on a plurality of computers", citing that Liang does not teach "permanent storage of the group of files". First, the examiner contends that Appellant has incorrectly equated "installing" software and files with permanent storage. Generally, to "install" is to simply set a program or data in place and prepare for operation. This may be done in permanent or volatile storage, such as the RAM of a computer system. Permanent storage is not necessary to install programs or files into a system. Second, Liang teaches the "streaming" of files from a local disc or CD-ROM (a well-known permanent storage device), at col. 7, lines 28-31.

Appellant further argues on page 8 that "Liang et al do not provide a scenario file on each client computer because scenario file type commands are coordinated by the server", citing that "provision of this type of file to the client computer would be redundant". However, situations where a client might not be connected to the server while a presentation is displayed would necessitate such client-side scenario files.

Appellant states on page 8, "none of the prior art teaches nor makes such a system obvious because of the differing goals of the prior art systems". Absent any specific reference to these "differing goals of the prior art systems", the examiner believes ample motivation to combine the above-cited prior art references exists, and has been properly cited in the rejection of the claims. Furthermore, Appellant fails to cite the alleged use of "obviousness to combine prior art references" by the examiner on page 8 of the remarks. Again, absent any specific reference to these allegations, the examiner believes ample motivation to combine the above-cited prior art references exists, and has been properly cited in the rejection of the claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Roswell

Conferees:

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Lynne Browne

Lynne H. Browne
Appeal Specialist, TQAS
Technology Center 2100